

House Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 15

HOUSE BILL 2206

AN ACT

AMENDING SECTION 36-402, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-402, Arizona Revised Statutes, is amended to read:

36-402. Exemptions

A. This chapter and the rules adopted by the director pursuant to this chapter do not authorize the licensure, supervision, regulation or control of:

1. The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely on treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.

2. Establishments, such as motels, hotels and boarding houses, that provide domiciliary and ancillary commercial services, but do not provide adaptive, medical, hospital, nursing, health-related or supervisory care services.

3. Private offices and clinics of health care providers licensed under title 32 that are not freestanding urgent care centers, unless:

(a) Patients are kept overnight as bed patients or treated otherwise under general anesthesia except where WHEN treatment by general anesthesia is regulated by title 32, chapter 11.

(b) The office or clinic is an abortion clinic. For the purposes of this subdivision, "abortion clinic" has the same meaning prescribed in section 36-449.01.

4. Dispensaries and first aid stations located within business or industrial establishments maintained solely for the use of employees if the facility does not contain inpatient beds and is under the supervision of a physician.

5. The collection, processing or distribution of whole human blood, blood components, plasma, blood fractions or derivatives procured, processed or distributed by federally licensed and regulated blood banks.

6. Adult foster care homes certified by the county or the department pursuant to section 11-293.01 or 36-410.

7. Places where four or fewer adults not related to the administrator or owner receive adult day health services for compensation on a regular basis.

8. Places at which persons receive health related services only from relatives or from legal guardians or places that do not purport to be establishments that regularly provide health related services and at which one or two persons receive health related services on a twenty-four hour basis.

9. The Arizona pioneers' home. However, the department of health services shall evaluate the health and sanitation conditions at the Arizona pioneers' home annually using the standards applicable to licensed nursing care institutions.

1 10. The personal residence of a terminally ill person, or the personal
2 residence of that person's relative or guardian, where that person receives
3 hospice services from a hospice service agency.

4 11. All medical and health related facilities and services that are
5 provided to inmates who are confined in a state prison. The state department
6 of corrections shall annually evaluate the medical and health related
7 facilities and services that are provided to inmates to determine that the
8 facilities and services meet the applicable standards that are adopted by the
9 director of the department of health services. The state department of
10 corrections shall report the results of its annual evaluation and the actual
11 findings, including a plan of correction for any deficiencies, to the
12 director of the department of health services. The department of health
13 services shall conduct validation surveys on a percentage of the medical and
14 health related facilities, the number of which shall be determined by the
15 state department of corrections and the department of health services. The
16 director of the state department of corrections shall maintain the annual
17 evaluation reports. This paragraph does not apply to licensed behavioral or
18 mental health inpatient treatment facilities that the state department of
19 corrections operates.

20 12. A facility that provides medical and health services to inmates who
21 are confined in a county jail. The sheriff shall annually evaluate the
22 facility to determine if it meets the applicable standards that are adopted
23 by either a national corrections commission on health care or an American
24 correctional association or the sheriff shall annually submit the facility to
25 a similar separate inspection by an outside agency with medical
26 standards. The sheriff must submit the certificate of accreditation or proof
27 of successful inspection to the department annually and keep a copy of the
28 certificate or proof of inspection.

29 B. A MEDICAL AND HEALTH-RELATED FACILITY THAT PROVIDES MEDICAL AND
30 HEALTH SERVICES EXCLUSIVELY TO PERSONS WHO ARE INCARCERATED, DETAINED OR
31 CONFINED UNDER COURT ORDER OR COURT JURISDICTION IS EXEMPT FROM THE
32 PATIENT-PER-ROOM CAPACITY REQUIREMENTS PROVIDED IN RULE IF THE FACILITY:

- 33 1. DOES NOT EXCEED ITS INTENDED MEDICAL AND CUSTODIAL PURPOSES.
- 34 2. ADOPTS POLICIES AND PROCEDURES TO COMPLY WITH THE NATIONAL
35 COMMISSION ON CORRECTIONAL HEALTHCARE STANDARDS, OR EQUIVALENT.
- 36 3. AS SOON AS PRACTICABLE, BECOMES ACCREDITED BY THE NATIONAL
37 COMMISSION ON CORRECTIONAL HEALTHCARE, OR EQUIVALENT.
- 38 4. ONCE ACCREDITATION IS OBTAINED, SUBMITS A CERTIFICATE OF
39 ACCREDITATION TO THE DEPARTMENT OF HEALTH SERVICES ANNUALLY.
- 40 5. MAINTAINS A COPY OF THE CERTIFICATE OF ACCREDITATION.
- 41 6. MAINTAINS PATIENT AND CUSTODIAL RECORDS, INCLUDING ON-SITE CURRENT
42 PHOTOGRAPHS AND FINGERPRINTS, IF PERMITTED BY APPLICABLE LAW.
- 43 7. MAKES PATIENT LISTS WITH INMATE IDENTIFIERS AVAILABLE TO THE
44 DEPARTMENT OF CORRECTIONS ON REASONABLE REQUEST.

1 8. PROVIDES TIMELY NOTICE OF ANY MAJOR INCIDENT INVOLVING PUBLIC
2 SAFETY TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AND ALLOW THAT AGENCY ACCESS
3 TO THE FACILITY FOR THE PURPOSES OF LAW ENFORCEMENT AND INVESTIGATION.

4 C. THE PROVISIONS OF SUBSECTION B OF THIS SECTION DO NOT APPLY TO
5 HEALTH CARE INSTITUTIONS THAT EXCLUSIVELY PROVIDE BEHAVIORAL HEALTH SERVICES.

6 Sec. 2. Location of facility; prohibition

7 A health care institution that provides health care services
8 exclusively to persons who are incarcerated, detained or confined under court
9 order or court jurisdiction shall not be located in a municipality with a
10 population of more than seventeen thousand persons but less than twenty
11 thousand persons based on the 2000 decennial census, if the municipality has
12 adopted a resolution expressing its desire that the health care institution
13 locate elsewhere.

14 Sec. 3. Emergency

15 This act is an emergency measure that is necessary to preserve the
16 public peace, health or safety and is operative immediately as provided by
17 law.

APPROVED BY THE GOVERNOR APRIL 1, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2005.

Passed the House February 28, 2005

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting
with Emergency

Speaker of the House

Norman L. Fyfe
Chief Clerk of the House

Passed the Senate March 23, 2005

by the following vote: 24 Ayes,

3 Nays, 3 Not Voting
with Emergency

President of the Senate

Chairman Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28th day of March, 2005

at 10:05 o'clock a M.

Vernice Ybarra
Secretary to the Governor

Approved this 1 day of

April, 2005,

at 11 o'clock A M.

J. A. Noyes
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of April, 2005

at 2:23 o'clock P M.

Vernice K. Brewer
Secretary of State

H.B. 2206